



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,295	07/18/2001	Leon De Beer	210375US2PCT	3984

22850 7590 05/17/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
----------	--------------

2686

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/869,295	Applicant(s) DE BEER, LEON	
	Examiner Khawar Iqbal	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-9,11-48,50,51,53-77,79-83,85-88 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3-9,11-26,30-31, 36-39,44-45,48.50,51,53-67,70-71,74-77,79-83,85-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorimer (EP 0724371 A1) and further in view of Rabe et al (6138010).

Regarding claim 1 Lorimer teaches a method of operating a mobile telephone (1) in a cellular telephone communications system in which a plurality of service providers provide respective alternative communications channels within said cellular telephone communication system, the method comprising (figs. 1,2):

storing routing information in a look-up table of the mobile telephone such that the table is populated with data in the form of preferred route codes, each preferred route code being representative of a preferred route for connection to a respective call destination (page 2, lines 6-14, page 3, lines 25-45), and

wherein the preferred route codes comprise of a route selection decision by a control centre remote from the mobile telephone (page 2, lines 6-14, page 3, lines 25-45, col. 4, lines 45-50);

originating an Outgoing telephone call by the input of user generated call destination information (page 3, lines 52-58);

Art Unit: 2686

accessing the look-up table using an address determined at least in part by the call destination information to obtain a selected preferred route code (page 3, lines 52-58, page 4, lines 1-10);

selecting one of the communication channels in accordance with the preferred route code (page 3, lines 10-15) page 4, lines 24-30); and

establishing communication for the outgoing telephone call for a call destination corresponding to the call destination information via the selected communication channel of a corresponding selected service provider (page 4, lines 36-38). Lorimer does not specifically periodically scanning received transmissions to identify available communications channels for which the mobile telephone has functional capability and attempting to complete a registration procedure for each available channel; wherein said selecting comprises selecting from those available channels of said cellular telephone communication system in respect of which registration is completed. In an analogous art, Rabe et al teaches periodically scanning received transmissions to identify available communications channels for which the mobile telephone has functional capability (col. 5, line 50-col. 6, line 26) and attempting to complete a registration procedure for each available channel (col. 6, lines 43-67); wherein said selecting comprises selecting from those available channel in respect of which registration is completed (col. 8, lines 10-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lorimer by specifically adding feature periodically scanning received transmissions

Art Unit: 2686

to identify available communications channels in order to enhance system performance of registration to increasing the efficiency of the system as taught by Rabe et al.

Regarding claim 48 Lorimer teaches a mobile telephone (1) for use in a cellular telephone communications system in which a plurality of service providers provide respective alternative communications channels within said cellular telephone communication system, the mobile telephone comprising (figs. 1,2):

a look-up table storing routing information (user preferences, tariff information) such that the table is populated with data in the form of preferred route codes, each preferred route code being representative of a preferred route for connection to a respective call destination (page 2, lines 6-9, page 3, lines 52-58), wherein the preferred route codes comprise of a route selection decision by a control centre remote from the mobile telephone (page 2, lines 6-14, page 3, lines 25-45, col. 4, lines 45-50);

input means for originating an outgoing telephone call by the input of user generated call destination information (page 3, lines 52-58);

accessing means for accessing the look-up table using an address determined at least in part by the call destination information to obtain a selected preferred route code (page 3, lines 52-58, page 4, lines 1-10);

channel selecting means for selecting one of the communication channels in accordance with the preferred route code (page 3, lines 10-15) page 4, lines 24-30);
and

communication means for establishing communication for the outgoing telephone call for a call destination corresponding to the call destination information via the selected

Art Unit: 2686

communication channel of a corresponding selected service provider (page 4, lines 36-38). Lorimer does not specifically periodically scanning received transmissions to identify available communications channels for which the mobile telephone has functional capability and attempting to complete a registration procedure for each available channel; wherein said selecting comprises selecting from those available channel of said cellular telephone communication system in respect of which registration is completed. In an analogous art, Rabe et al teaches periodically scanning received transmissions to identify available communications channels for which the mobile telephone has functional capability (col. 5, line 50-col. 6, line 26) and attempting to complete a registration procedure for each available channel (col. 6, lines 43-67); wherein said selecting comprises selecting from those available channel in respect of which registration is completed (col. 8, lines 10-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lorimer by specifically adding feature periodically scanning received transmissions to identify available communications channels in order to enhance system performance of registration to increasing the efficiency of the system as taught by Rabe et al.

Regarding claim 83 Lorimer teaches a portable storage medium for use in a mobile telephone, the storage medium storing a look-up table populated with data in the form of preferred route codes, each preferred route code being representative of a preferred route for connection to a respective call destination (page 3, lines 52-58, page 4, lines 20-22), wherein the preferred route codes comprise of a route selection decision

by a control centre remote from the mobile telephone (page 2, lines 6-14, page 3, lines 25-45, col. 4, lines 45-50).

Regarding claims 3,50 Lorimer teaches wherein the decision is based at least in part on least-cost (page 2, lines 22-24, page 4, lines 20-35).

Regarding claim 4 Lorimer teaches wherein the decision is based at least in part on performance of at least one network selected in accordance with the preferred route (page 4, lines 27-35).

Regarding claim 5 Lorimer teaches wherein the preferred route codes further determine a choice of a further network for forward connection between a network of the service provider of the selected communication channel and the call destination via the further network (page 4, lines 10-35).

Regarding claim 6 Lorimer teaches wherein the control center collates billing information in respect of services provided by the service provider and one or more further service providers of the further networks in facilitating the making of the call to the call destination (page 4, lines 15-35).

Regarding claim 7 Lorimer teaches wherein the mobile telephone adds a prefix code to the user generated call destination information (page 4, lines 5-14).

Regarding claim 8 Lorimer teaches wherein the prefix code includes a customer identification field containing user specific identification data (page 3, lines 20-24, page 4, lines 5-19).

Regarding claims 9,51 Lorimer teaches wherein the prefix code includes a charging information field for identifying a control entity to be billed by one or more

Art Unit: 2686

service providers corresponding to the selected network connection route (page 3, lines 20-24, page 4, lines 5-35).

Regarding claims 11,53 Lorimer teaches electing (64) from the available channels a home channel for receipt of incoming calls (page 4, lines 43-44).

Regarding claims 12,54 Lorimer teaches electing from the available channels an update receiving channel for receipt of updating information broadcasts (page 4, lines 5-19).

Regarding claims 13-16,55-57 Lorimer teaches wherein the look-up table is stored in a portable storage medium removable installed in the mobile telephone (page 4, lines 7-9).

Regarding claims 17,58 Lorimer teaches periodically updating the data stored in the look-up table by receiving data blocks each containing a respective portion of updated data and, for each received data block, overwriting a corresponding portion of the existing data with updated data from the received block (page 4, lines 5-35).

Regarding claims 18,59 Lorimer teaches a routing table containing the preferred route codes (page 4, lines 5-35); a carrier selection table containing, for each preferred route code, a list in order of priority of carrier selections to be used, subject to availability (page 4, lines 5-35); and a carrier access table containing, for each carrier selection, a channel selection identifying a communications channel provided by a service provider of the mobile telephone system and a prefix code to be added to the dialed number identifying a further network for routing the call (page 4, lines 5-35).

Regarding claims 19,60 Lorimer teaches wherein the look-up table further comprises a carrier availability table containing information indicating which of the channels are currently available (page 4, lines 5-35).

Regarding claims 20-22,61-63 Lorimer teaches addressing the routing table to obtain a preferred route code (page 4, lines 5-35); using the preferred route code to address the carrier selection table to obtain a list of carrier selections (page 4, lines 5-35); addressing the carrier access table using the first carrier selection on the list to obtain the prefix code and channel selection data for the first channel selection (page 4, lines 5-35); and addressing the carrier availability table using the channel selection data to determine if the first carrier selection is one of the available channels and, if so, initiating the call to the call destination using the prefix code via the channel selection data for the first carrier selection (page 4, lines 5-35).

Regarding claims 23,24,64-65 Lorimer teaches default route data and wherein if accessing the look-up table with the call destination information fails to locate corresponding data defining a preferred route code, the preferred route code is derived from the default route data (page 4, lines 5-35).

Regarding claim 26,66 Lorimer teaches wherein the updating information is transmitted as a multipoint broadcast to a plurality of mobile telephones (page 4, lines 5-35).

Regarding claims 30,31,70,71,79,80 Lorimer teaches wherein the updating information is communicated to the mobile telephone by detachably connecting the

mobile telephone to a docking station and transmitting the updating information to the mobile telephone via the docking station (page 4, lines 5-35).

Regarding claims 36-38,81-82 Lorimer teaches wherein the docking station is connected to a telephone line and updating information is received from the control center in response to making a telephone call request to the control center via the telephone line (page 4, lines 5-35).

Regarding claims 44,45,75,77 Lorimer teaches wherein the telephone call is originated to communicate data comprising a type of data selected from a set of alternative types of data (page 4, lines 5-35).

1. Claims 27-29,68-69 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorimer (EP 0724371 A1) and further in view of Rabe et al (6138010) and Skog (6427076).

2. Regarding claims 27-29,39,68-69 and 76 Lorimer teaches a wireless communication terminal (1) identifying a preferable one of at least two wireless networks (6,7,8) for establishing an outgoing call on the basis of an algorithm involving at least one parameter related to the networks. The terminal may be a mobile telephone handset, or a PC with radio communication capabilities for transmitting data. The algorithm typically identifies the cheapest available network for the outgoing call on the basis of current network tariff information (figs. 1,2). Lorimer and Rabe et al do not specifically teach information is transmitted to the mobile telephone as a web page.

In an analogous art, Skog teaches information is transmitted to the mobile telephone as a web page (col. 6, lines 35-60). Provides subscriber data records (SDR)

that are bifurcated into related primarily to the wireless network and. The mobile station can receive, analyze, update and to possibly respond to information in the SDR, such as internet subscription parameters. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lorimer and Rabe et al by specifically adding feature information is transmitted to the mobile telephone as a web page in order to enhance system performance of web page to increasing the efficiency of the system as taught by Skog.

3. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorimer (EP 0724371 A1) and further in view of Rabe et al (6138010) and Georges (6014546).

4. Regarding claims 32-35 Lorimer teaches a wireless communication terminal (1) identifying a preferable one of at least two wireless networks (6,7,8) for establishing an outgoing call on the basis of an algorithm involving at least one parameter related to the networks. The terminal may be a mobile telephone handset, or a PC with radio communication capabilities for transmitting data. The algorithm typically identifies the cheapest available network for the outgoing call on the basis of current network tariff information (figs. 1,2). Lorimer and Rabe et al do not specifically teach signals multiplexed in a television transmission signal, an optical cable network and satellite television network.

In an analogous art, Georges teaches signals multiplexed in a television transmission signal (col. 3, lines 17-31), an optical cable network (col. 3, line 20) and satellite television network (col. 4, lines 45-55). Therefore, it would have been obvious

Art Unit: 2686

to one of ordinary skill in the art at the time the invention was made to modify the device of Lorimer and Rabe et al by specifically adding feature signals multiplexed in a television transmission signal, an optical cable network and satellite television network in order to enhance system performance of docking station to increasing the efficiency of the system as taught by Georges.

5. Claims 40-43,46-47,72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorimer (EP 0724371 A1) and further in view of Rabe et al (6138010) and Dahlin et al (6122263).

6. Regarding claims 40-43,46-47,72-73 Lorimer teaches a method of routing a telephone call comprising adding a prefix code to a user generated call information such that the prefix code defines a preferred route via a switching network, wherein the prefix code comprises a string of network node addresses (page 3, lines 6-15, 52-58, page4, lines 5-35). Lorimer teaches a wireless communication terminal (1) identifying a preferable one of at least two wireless networks (6,7,8) for establishing an outgoing call on the basis of an algorithm involving at least one parameter related to the networks. The terminal may be a mobile telephone handset, or a PC with radio communication capabilities for transmitting data. The algorithm typically identifies the cheapest available network for the outgoing call on the basis of current network tariff information (figs. 1,2). Lorimer and Rabe et al do not specifically teach route via a packet switching network.

In an analogous art, Dahlin et al teaches route via a packet switching network (col. 5, lines 15-30). Method for optimizing transmission of information from packet

Art Unit: 2686

switched fixed network to radio terminal determines whether first or second code is preferred for transmission of packet over radio link to radio terminal, coded information in third code is transcoded to either 1st or 2nd code and conveyed over radio link as determined. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lorimer and Rabe et al by specifically adding feature route via a packet switching network in order to enhance system performance of wireless system to increasing the efficiency as taught by Dahlin et al.

Response to Arguments

Applicant's arguments filed 1-19-05 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations. Applicants argument was that "wherein the preferred route codes comprise of a route selection decision by a control centre remote from the mobile telephone". In response, examiner would like to point out that Lorimer teaches the handset will have been pre-program with a defined set of network priorities. These will dictate to the handset the order in which the handset searches for wireless networks, i.e. the handset attaches preferentially to the primary network. The service provider will impose these network priorities. When the handset goes out of the primary network, the handset attempts to attach to the secondary network if available or the tertiary network if the secondary network is not available. The server 12 maintains an awareness of the Location of the handset 1 by network only, i.e. it knows which network environment the handset is

Art Unit: 2686

registered with and directs the control function associated with an intelligent network (IN) to route an incoming call to the handset 1 appropriately (page 2, lines 6-14, page 3, lines 25-45, col. 4, lines 45-50). Additionally, the examiner has given the claim language its broadest reasonable interpretation. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Anticipatory reference need not duplicate, word for word, what is in claims; anticipation can occur when claimed limitation is "inherent" or otherwise implicit in relevant reference (Standard Havens products Incorporated v. Gencor Industries Incorporated, 21 USPQ2d 1321).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

Art Unit: 2686

Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal


RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER